USC 112, applicants submit the following additional evidence that the USPTO recognizes these terms as definite under 35 USC 112.

The undersigned attorney did a search in Lexis for the terms "like" in issued US patents. As shown in Attachment A, this search Lexis found 140,058 issued US patents using the terminology "like" in the claims. The USPTO has, therefore, accepted this terminology as definite within the meaning of 35 USC 112. A number of specific examples are provided in Attachments B to J, each of which are the results of a similar Lexis search. (Lists of the patent numbers will be provided at the request of the examiner.) Attachment B shows that there are 443 issued US patents having the term "diamond like" in the claims. Attachment C shows that there are 319 issued US patents having the term "diamond like carbon" in the claims. Attachment D shows that there are 10 issued US patents having the term "halogen like" in the claims. Attachment E shows that there are 11 issued US patents having the term "oxygen like" in the claims. Attachment F shows that there are 79 issued US patents having the term "ceramic like" in the claims. Attachment G shows that there are 31 issued US patents having the term "carbon like" in the claims. Attachment H shows that there are 5 issued US patents having the term "silicon like" in the claims. Attachment I shows that there are 10 issued US patents having the term "nitrogen like" in the claims. Attachment J shows that there are 17 issued US patents having the term "copper like" in the claims. In view thereof applicants respectfully request the examiner to withdraw the rejection of their claims as indefinite for using the terminology "perovskite like" and "rare-earth-like" since use of the term "like" is recognized as definite under 35 USC 112 by the USPTO.

Applicants claims have been rejected under 35 USC 102(a) and 103 over the Asahi Shinbum article which has a date of Nov. 28, 1986. In addition to evidence previously submitted proving that applicants conception was in the United States at applicants direction prior to Nov. 28, 1986 applicants submit the following additional evidence. Attachment K page 1 is a copy of the front cover of Zeitschrift Fur Physik B Condensed Matter Vol. 64 which contains the article (pp 189-193) referred to and incorporated by reference at page 6, lines 6-10, of applicant's specification which applicants state is "[t]he basis or our invention". This page bears in the upper right the date stamp of the IBM Research Library bearing the date of Sept. 18, 1986. Page 2 of Attachment K is an enlarged view of the upper right corner showing the date stamp. Thus the assignee of the present invention IBM, the employer of the inventors at the time of the conception of the invention, had in its possession in the United States a copy of the article which applicants state forms the basis of their invention prior to the date of the Asahi Shinbum. Thus IBM had in its possession in the United States a written description of applicants' invention in "ready to patent form" as defined by the United States Supreme Court in Pfaff v. Wells No. 97-1130 decided November 10, 1998 prior to the date of the Asahi Shinbum article. The US Supreme Court held that "reduction to practice" is not needed to establish a date for invention. The court stated " [t]he statute's only specific reference to that term is found in §102(g), which sets fort the standard for resolving priority between two competing claimants to a patent." Since §102(g) is not applicable here, "diligence" and "reduction to practice" are not required. Applicants article in Zeitschrift Fur Physik "is proof that prior to [the date of the Asahi

Shinbum article applicants have] prepared drawings or other descriptions of the invention that were sufficiently specific to enable a person skilled in the art to practice the invention." The Asahi Shinbum article sates that applicants' work was reproduced, by others, thus applicants article was specifically specific for a person of skill in the art to practice applicants' invention. Also, as stated in a prior response , more than 5,200 articles refer to applicants article showing that applicants enabled the field of high Tc superconductivity In view of applicants remarks the examiner is respectfully requested to withdraw the rejection of applicant's claims under 35 USC 102(a) and 103 as unpatentable over the Asahi Shinbum article.

In addition to the evidence previously submitted in support of applicants position that their claims are fully enabled, applicants refer to the book "Structural Inorganic Chemistry", A. F. Wells, Oxford At the Clarendon Press (1962) which provides teaching of the general principles of ceramic science and the structure and properties of perovskite materials.

Please charge any fee necessary to enter this paper to deposit account 09-0468.

If the above-identified Examiner's Action is a final Action, and if the above-identified application will be abandoned without further action by applicants, applicants file a Notice of Appeal to the Board of Appeals and Interferences appealing the final rejection of the claims in the above-identified Examiner's Action. Please charge deposit account 09-0468 any fee necessary to enter such Notice of Appeal.

Respectfully submitted,

Daniel P. Morris
Reg. No. 32,053

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CLAIMS (LIKE)

Your search request has found 140,058 PATENTS through Level 1.
To DISPLAY these PATENTS press either the KWIC, FULL, CITE or SEGMTS key.
To MODIFY your search request, press the M key (for MODFY) and then the ENTER key.

For further explanation, press the H key (for HELP) and then the ENTER key.

Attachment A

CLAIMS(DIAMOND LIKE)

Your search request has found 443 PATENTS through Level 1.
To DISPLAY these PATENTS press either the KWIC, FULL, CITE or SEGMTS key.
To MODIFY your search request, press the M key (for MODFY) and then the ENTER key.

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Attachment B

DATE: DECEMBER 26, 1998
CLIENT: 074
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FILE: UTIL

Your search request is:
CLAIMS(DIAMOND LIKE CARBON)

Number of PATENTS found with your search request through:
LEVEL 1... 319

To display the next screen of text of the PATENT you were viewing, press the NEXT PAGE key.

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For further explanation, press the H key (for HELP) and then the ENTER key.

Attachment C

CLAIMS(HALOGEN LIKE)

Your search request has found 10 PATENTS through Level 1.
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To MODIFY your search request, press the M key (for MODFY) and then the ENTER key.

For further explanation, press the H key (for HELP) and then the ENTER key.

Attachment D

CLAIMS(OXYGEN LIKE)

Your search request has found 11 PATENTS through Level 1.
To DISPLAY these PATENTS press either the KWIC, FULL, CITE or SEGMTS key.
To MODIFY your search request, press the M key (for MODFY) and then the ENTER key.

For further explanation, press the H key (for HELP) and then the ENTER key.

Attachment E

CLAIMS(CERAMIC LIKE)

Your search request has found 79 PATENTS through Level 1.
To DISPLAY these PATENTS press either the KWIC, FULL, CITE or SEGMTS key.
To MODIFY your search request, press the M key (for MODFY) and then the ENTER key.

For further explanation, press the H key (for HELP) and then the ENTER key.

Attachment F

CLAIMS(CARBON LIKE)

Your search request has found 31 PATENTS through Level 1.
To DISPLAY these PATENTS press either the KWIC, FULL, CITE or SEGMTS key.
To MODIFY your search request, press the M key (for MODFY) and then the ENTER key.

For further explanation, press the H key (for HELP) and then the ENTER key.

Attachment G

CLAIMS(SILICON LIKE)

Your search request has found 5 PATENTS through Level 1.
To DISPLAY these PATENTS press either the KWIC, FULL, CITE or SEGMTS key.
To MODIFY your search request, press the M key (for MODFY) and then the ENTER key.

For further explanation, press the H key (for HELP) and then the ENTER key.

Attachment H

CLAIMS(NITROGEN-LIKE)

Your search request has found 10 PATENTS through Level 1.
To DISPLAY these PATENTS press either the KWIC, FULL, CITE or SEGMTS key.
To MODIFY your search request, press the M key (for MODFY) and then the ENTER key.

For further explanation, press the H key (for HELP) and then the ENTER key.

Attachment I

CLAIMS(COPPER LIKE)

Your search request has found 17 PATENTS through Level 1.
To DISPLAY these PATENTS press either the KWIC, FULL, CITE or SEGMTS key.
To MODIFY your search request, press the M key (for MODFY) and then the ENTER key.

For further explanation, press the H key (for HELP) and then the ENTER key.

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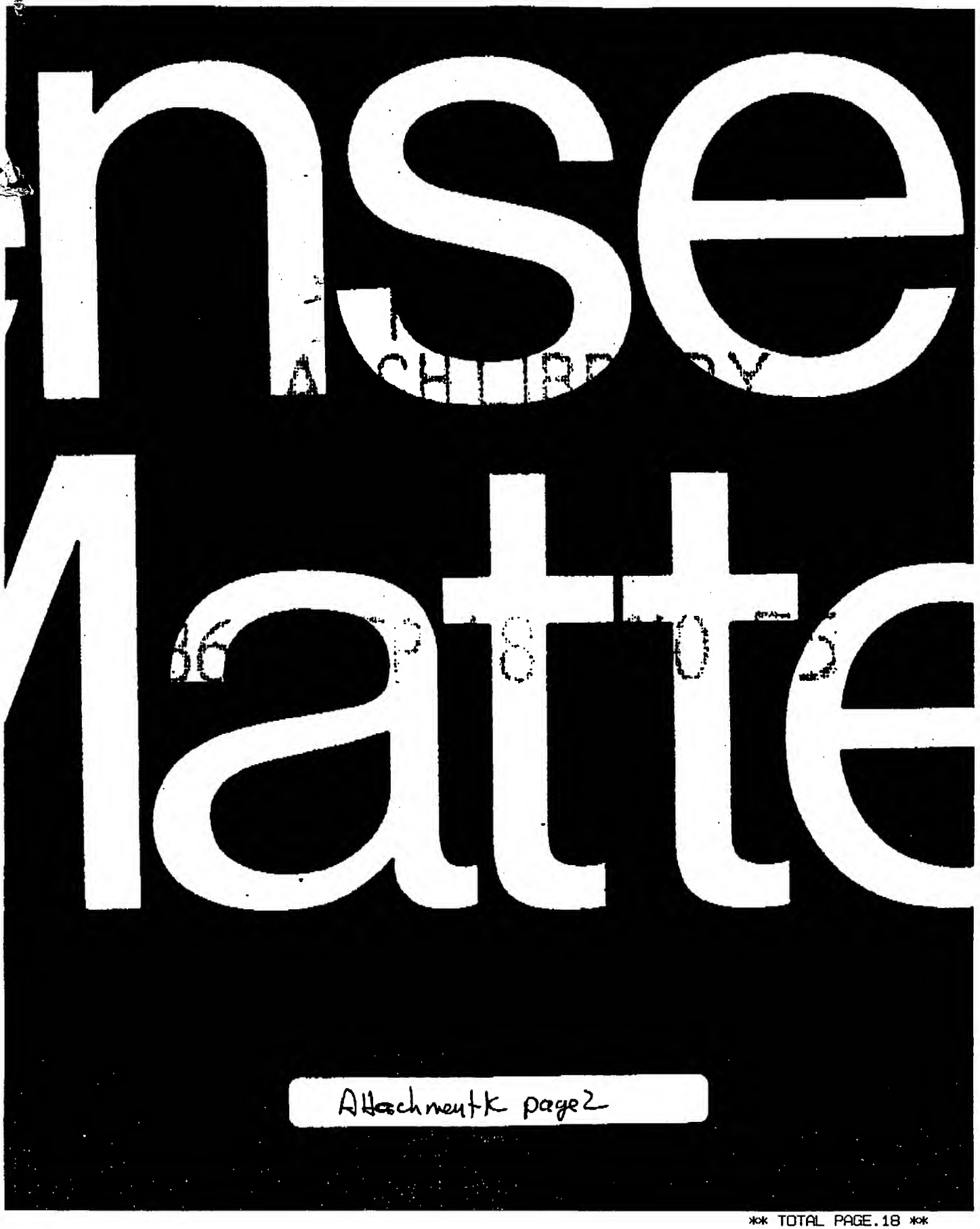
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